THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4126 OF 2004

DATED: 23RD DECEMBER, 2005

Between

Kaki Surya Satya Ramu, S/o Subba Rao,

… Petitioner

and

The Superintendent of Police, West Godavari and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4126 OF 2004

ORDER:

The petitioner lodged a complaint on the file of the
Court of the II Additional Munsif Magistrate, Kovvur, under Sections 420, 403 and 406 of Indian Penal Code, 1860, against one Vempati Veerendra. The petitioner alleged that the accused borrowed a sum of Rs.50,000/- (Rupees fifty thousand only) for purchase of tractor-trailor under hire purchase agreement, but failed to pay the instalments. He also alleged that the accused sold away the tractor-trailor in the year 2003 with dishonest intention to deprive the petitioner of his property. The same was endorsed by the learned Magistrate where upon the second respondent

registered the case being crime No.150 of 2003 and took up investigation.

The petitioner's grievance in this writ petition is that the second respondent did not investigate the crime and yielded to the influence of the accused. Therefore, he filed the writ petition seeking a declaration that the action of the second respondent in not proceeding with the investigation is illegal and arbitrary.

The Assistant Sub Inspector of Police, P.S., Nidadavole, filed counter affidavit opposing the writ petition. While denying the various petition allegations, it is stated that after investigating the crime, the second respondent filed report under Section 173 of Code of Criminal Procedure, 1973, referring to the complaint as of civil nature. In view of the counter averments stand admitted, it shall be open to the petitioner to approach the learned Magistrate competent to take cognizance of the offence and raise the objections. Insofar as the writ petition is concerned, the cause of action does not survive.

The writ petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO,J)

23.12.2005.

pln